IN RE: PETITION FOR SPECIAL HEARING NE/S Yorkway 370' NW c/l * ZONING COMMISSIONER (2519 Yorkway) 12th Election District * OF BALTIMORE COUNTY 7th Councilmanic District * Case No. 89-252 SPH Contract Purchaser: Landex Corp. Legal Owner: Ronald Gajewski

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibits 1 & 7.

The Petitioner, by the Contract Purchaser, Landex, Inc., represented by David G. Johnston, appeared, testified and was represented by John B. Gontrum, Esquire. Also appearing and testifying on behalf of the Petition were Griffith Davis, a land owner, and Douglas Kennedy, a registered professional engineer, with KCW Consultants, Inc., who prepared Petitioner's Exhibit 1. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner which Mr. Kennedy agrees are correct. The current property owner, Mr. Ronald Gajewski, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2519 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor. The remaining portion of the basement is improved with storage and utility space. The subject property

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



John B. Gontrum, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> RE: Petition for Special Hearing Case #89-252-SPH Contract Purchaser: Landex Corporation

Dear Mr. Contrum:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Zoning Commissioner

JRH:mmn cc: Peoples Counsel

is serviced by a rear parking area which is accessed off of a common al-Tax records submitted into evidence show that the subject building has been assessed and transferred over the years as at least a four unit apartment building continuously and without interruption since approximately 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construc-

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in the mid-1940s as four unit apartment buildings. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only.

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly developed prior to the statutory change which created the alleged nonconforming

> #2513-item-216 #2515-item-217 #2517-item-218 PETITION FOR SPECIAL HEARING

> > I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we 4A

#2519-item-219 #2521-item-220 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

as a legal non-conforming use the following buildings (each with four apartments) located on Yorkway, Baltimore County, Maryland (#2513, #2515, Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	are the legal owner(s) which is the subject of the	of the property his Petition	
Contract Purchaser: Judith S. Siegel, President (**fpe/or Print Name) Signature Landex Corporation 250 Centerville Road, Bldg. 6 Address	Legal Owner(s): Ronald Gajewski, et. ux. (Type or Print Name) X Jonald Lique Signature (Type or Print Name)	DATE 2-22 200	
Warwick, R.I. 02886	(Type of Francisame)		
City and State	Signature		
Attorney for Petitioner:	•		
John Gontrum	7713 Charlesmont Road	•	
(Type of Print Name)	Address	Phone No.	
Jh II	Baltimore, Maryland	21222	
Signature	City and State		
809 Eastern Blvd. Address Essex, Md. 21221	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted		
City and State	Name		
Attorney's Telephone No.: 301-686-8274			
No.	Address	Phone No.	
{			

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be advertised, as o o required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

ESTIMATED LENGTH OF HEARING 1/2HR. (over)

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
OTHER REVIEWED BY: UCN DATE 11/29

status. The four unit apartment building in the instant case was constructed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in this Opinion as an apartment building. This building is an apartment house as that term was defined in the original 1945 Baltimore County Zoning Regulations (B.C.Z.R.). That term was then defined as:

"A detached building used and/or arranged for occupanhousekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities."

There is evidence of heat and public utilities in common and an acceptable number of units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apartment house because "D" residential permitted all uses in "C" residential. "C" residential permitted apartment houses. The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The building was also in compliance with the zoning from January 2, 1945 thru 1955 when the zoning was changed.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

Clearly, the use of the subject property has not changed since 1943. The property has always been a four unit apartment building and

there have been no changes or interruptions in that use. The subject property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1943 and, therefore, are nonconforming.

Pursuant to the advertising, posting of the property and public hearing held and for reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 29th day of December 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property known as 2519 Yorkway as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1, be and the same is hereby GRANTED.

Zoning Commissioner of

John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, Md. 21221

KCW Consultants, Inc.

Baltimore, Maryland 21208

John M. Cosaraquis, L.S. (Ret.) **Civil Engineers and Land Surveyors** 1777 Reisterstown Road Commercentre, Suite 175

(301) 484-0894 / 484-0963

Item

PETITIONER/CONTRACT PURCHASER: LANDEX CORPORATION 250 Centerville Road, Bld. 'F' Warwick, Rhode Island 02886 Attn: Ms. Judith Siegel (401) 732-5430

PROPERTY DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING 12th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

November 29, 1988

Douglas L. Kennedy, P.E.

William K. Woody, L.S.

BEGINNING FOR THE FOURTH thereof, at a point on the southwesterly line of Block 8, which is also the northeasterly line of Yorkway as now laid out, distant 337.48 feet northwesterly, measured along the said southwesterly line of Block 8 from the northwesterly line of Leeway as now laid out 60 feet wide, all as shown on said Plat, and running thence north 46 degrees 31 minutes 09 seconds east 149.30 feet, part of which distance is intended to be along the center line of a party wall there situate, to intersect the southwesterly line of a 14 foot alley there situate, thence binding on the southwesterly line of said alley, northwesterly on a curve to the right with a radius of 3078.35 feet for a distance of 49.13 feet, thence south 46 degrees 31 minutes 09 seconds west 151.04 feet part of which distance is intended to be along the center line of a party wall there situate to intersect the aforesaid southwesterly line of Block 8, thence binding on the said southwesterly line of Block 8, southeasterly on a curve to the left with a radius of 765 feet for a distance of 49.04 feet to the place of beginning, the improvements thereon being known as No. 2519 Yorkway.

#2519 YORKWAY ACC. 12-13-043442

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing CASE NUMBER: 89-252-SPH NE/S Yorkway, 370' NW of c/l of Leeway (2519 Yorkway) 12th Election District - 7th Councilmanic Legal Owner(s): Ronald Gajewski, et ux Contract Purchaser(s): Landex Corporation HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2519 Yorkway (four apartments).

In the event that this Petition is granted, a building permit may be issues within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Tower, Maryland

CERTIFICATE OF PUBLICATION

OFFICE OF

Dundalk Eagle

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case # 89-252-SPH - P.O. #07734 - Req. #M20487 - 80 lines @ \$40.00.

was inserted in The Dundalk Eagle a weekly news-

paper published in Baltimore County, Maryland, once a week

Kimbel Publication, Inc.

the same was inserted in the issues of Dec. 8, 1988

December 8,

successive weeks before the

 19_{88} ; that is to say,

per Publisher.

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4 N. Center Place

P. O. Box 8936 Dundalk, Md. 21222

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 494-3353 NOTICE OF MEARING The Zoning Commissioner of Baltimore County, by authority in the Zon-ing Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lecated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as fol-

Potition for Special Hearing CASE NUMBER: 89-252-SPH NE/S Yorkway, 370' BW of c/1 of Leeway (2519 Yerkway) THURSDAY, DECEMBER 29, 1988

at 9:00 a.m.

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J. ROBERT HAINES

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Special Heering: Nonconforming use of 2519 Yorkway (four apartments)
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J. ROBERT HAINES
Zoning Commissioner o
Baltimore County
12 184 Dec. 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 9 , 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 6 , 19 68.

THE JEFFERSONIAN,

S. Zerre Oulon

Publisher PO 07741 reg M 20486 case 89-252-SPH frice \$35.63

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

December 20, 1988



Judith S. Siegel, President 250 Centerville Road Building Six Warwick, Rhode Island 02886

> RE: Case Numbers 89-249-SPH through 89-264-SPH - Yorkway

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353 J. Robert Haines
Zoning Commissioner

December 29, 1988



Community Development Administration 45 Calvert Street Annapolis, Maryland 21401

Benton Mortgage Company 5731 Lyons View Drive Nashville, Tennessee 37919

RE: Yorkway Apartments

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings:

2513 Yorkway 2515 Yorkway 2517 Yorkway 2519 Yorkway 2521 Yorkway 2506 Yorkway 2611 Yorkway 2613 Yorkway 2625 Yorkway 2605 Yorkway 2607 Yorkway 2627 Yorkway 2629 Yorkway 2504 Yorkway 2510 Yorkway 2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

Very truly yours,

O, Robert Haines

J. Robert Haines

14' CONC ALLEY R-3078.35' L=49.13' 2' CONC 2 STORY BRICK APARTMENT BLDG 12519 49'± CONC -4'CONC ... 337.48 R=765.00 L=49.04' TO NORTHWESTERLY
SIDE OF LEEWAY YORKWAY (WIDTH VARIES) PART OF BLOCK NO. 9 PLAT NO. 4 OF DUNDALK C.W.B. , Jr. 12, FOLIO 63 PLAT TO ACCOMPANY DESCRIPTION *2519 YORKWAY KCW Consultants, Inc. 12" ELECTION DISTRICT Civil Engineers and Land Surveyors BALTIMORE COUNTY, MD. 1777 Reisterstown Road Commercentre, Suite 175 Baltimore, Maryland 21208 (301) 484-0963 DATE: NOV. 21, 1988 SCALE: 1"-20"

> 059614 No. BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615-000 AMOUNT \$ 100.00 Judith S. Siegel, President, Landex Corp. 39 Major Potter Road 250 Centerville Road Warwick, RI 02886 Building #6 Filing Fee for Special Hearing (1 of 17) 4CF Items # 216-232 Yorkway Non-conforming apartments

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

Dennis F. Rasmussen County Executive

RE: Petitions for Special Hearing. CASE NUMBERS: 89-249-SPH thru 89-264-SPH

Your Client: Landex Corporation

Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Gontrum:

John B. Gontrum, Esq.

809 Eastern Boverlard Essex, Maryland 21221

Please be advised that \$1,450.08 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled

Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

J. ROBERT HAINES Zoning Commissioner of

cc: Mr. Walter Stealey Ms. Judith S. Siegel

* \$ 90.63 each frofferty

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

December 28, 1988

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J. Robert Haines TO Zoning Commissioner

Pat Keller, Deputy Director

FROM Office of Planning and Zoning

Landex Corporation SURJECT Zoning Petition Nos. 89-249-X thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submittal if buildings 2615, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements to this project. Money has been utilized in the past to rehabilitate and upgrade apartments within this project. There has also been an effort to clean up the railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

PK/sf

PETITIONER(S) SIGN-IN SHEET

KCW CONSULTANTS, INC.

BALTIMORE, MD. 21208

Alto, mid, EIZEZ

1777 REISTERSTOWN RD., SUITE 175

4 Lan Ro. Bearing My 11110

1713 Charlesment Ld.

LANDEX CORPORATION

DOUGLAS L KENNEDY P.E.

Acr Gnjewski

DAVID G JOHNSTON

<u>AFFIDAVIT</u>

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Officer and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, use to a conforming use, or any attempt to change from such

> PETITIONERS EXHIBIT 4

VETERANS ATTENTION THE MOST SENSATIONAL OFFER EVER MADE. BRICK APARTMENT HOUSES. A Individual Apartments In Each House. EACH APARTMENT HAS SEPARATE ENTRANCE FROM MAIN HALLWAYS EARGE LIVING ROOM SIZE 12 FEET & INCHES WIDE BY 17 FEET & INCHES LONG. LARGE SEDROOM SIZE IS SEEL & INCHES FORD BY IT SEEL & INCHES FORD.

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Lone test testives toom two shartnesses at \$12.00 but month. TOTAL RECEIVED FER MONTH \$176.00 YOUR MORIOAGE WOULD BE SIE SOUGH FOR 20 YEAR THRM ... YOUR MONTHLY PAYMENT ON THE MORIGAGE WOULD BE LAIR OF YOUR ANNUAL COUNTY TAXES IVIE OF YOUR FIRE MANANCE.... YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE Balance of lumine left to you after murigings payment ... YOUR OTHER YBARLY EXPENSES FOR HUNRING THE HOUSE ARE COAL USED, 16 TOHS AT \$12.00 PER TON..... WATER USED FER YEAR (AVERAGE)... ELECTRICITY USED PER YEAR INVERAGES. MAINTENANCE OF PARES, STABBT, LIGHTS, ETG., AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTCAGE AND ALL EXPENSES 122.75 Add to this the amount you have paid off (saved) on your mortgage YOUR TOTAL MORTHLY PROFIT OR YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A NICE INCOME 100 BEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2534 YORKWAY OPEN DAILY-SATURDAY-SUNDAYS-12 NOON TO 7:00 P.M. Take 26 ear to Dundalk and Liberty Parkway; walk to end of 2500 block Liberty Parks (Leeway); turn 1997 JEROME J. GEBHART, Agent 2534 ХОДКWAX . I. PHONE DUNDALK 1791

> PETITIONERS EXHIBIT 2

PETITION FOR SPECIAL HEARING * N/S Yorkway, 225' E of Leeway (2609 Yorkway) 12th Blection District Kenneth W. Martin, et ux,

Petitioners

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-290-SPH

The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of 2609 Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

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Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

Two Protestants testified that the building was constructed for four apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood.

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60

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AFFIDAVIT OF NANCY CAPECCI

I, NANCY CAPECCI, hereby certify that I am over 18 years of age and am competent to testify as follows:

1. My husband and I first purchased 2528 Yorkway in 1946 and lived there from 1947 through 1962. We continued to own that property until 1985, but rented it between 1962 and 1985. I reacquired the

 During the period of time that I lived at 2528 Yorkway, as well as the period that I was visiting the property on a weekly and sometimes a daily basis in my capacity as a landlord, I was acquainted with the other properties along Yorkway.

3. I have testified in Case Number 89-103 and have given an Affidavit in that case. My testimony and Affidavit are correct with respect to the facts recited. In Case Number 89-103-SPH I identified the flier, a copy of which is attached hereto and made a part hereof as part of the original advertising for the premises along the 2500 and 2600 Yorkway.

4. All of the apartment buildings in the 2500 and 2600 block of Yorkway were originally built prior to 1945 as four unit apartments. Some of the units had basement apartments or later added basement

5. I have also testified in Case Number 88-14-SPH before the Board of Appeals with respect to 2619 Yorkway, and feel competent to testify that all of these buildings which are the subject to the case here today were originally built prior to 1945 as four

PETITIONER'S
EXHIBIT 3A

10/24/88:819.RG:ECC10239 PETITION 8'5 EXHIBIT

PETITION FOR SPECIAL HEARING SW/C Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District 7th Councilmanic BALTIMORE COUNTY BRIJDEO SHIVNARAIN,

ZONING COMMISSIONER

BEFORE THE

DANIEL ABBOTT, et al Petitioners

IN RE:

Case No. 89-103-SPH

AFFIDAVIT

* * * * * * * * *

I, Marge Capecci, hereby certify that I am over 18 years of age and competent to testify as follows:

1. I first lived at 2526 Yorkway in 1945 and lived there for approximately two (2) years. We attempted to purchase but were unable to do so and instead rented the property. We then moved to 6918 Homeway, very nearby to this apartment neighborhood, and continued to frequent the Yorkway area to visit family and friends over the course of the next forty (40) years up to the present.

2. I specifically recall the property known as 2534 Yorkway, an end of group, in that same originally contained four (4) apartment dwelling units with a sales office in the basement, which in 1946 or shortly thereafter, was converted to a fifth apartment dwelling unit in the basement.

3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visited torkway

AFFIDAVIT

My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for several of the apartment buildings in the 2600 block of Yorkway and at one time managed 2619 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had added an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

I hereby certify that on this $\propto \gtrsim$ Notary Public for said State 1988, before me, and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and

My commission expires:

LAW FIRM ROMADKA, GONTRUM & HENNEGAN ESSEX, MARYLAND

PETITIONER'S EXHIBIT 3B

1289-3 **ASSESSMENT** DISTRICT /2 DESCRIPTION AND LOCATION OF PROPERTY orkway Killoge One 2534 YORKMAY 1944 22408 Lot 1028 70' x 123.25' ang 8/8 of Markway 8/W/ Car. of admiral Blod-Claf 4 Bell 6. Dundal. 1 1/14 2 2 Los Jos 884.06 X 109.29 song . It's of Yorkway Wear Leaway 8840, run W. Bele 8 Blat 4 Dundall. Lat 57.5 x 100.5 N/E/3 yarkway 834.56 Wof Learney 960 8500 quil d'knit afet. Bldg \$8500. Lax vg x 101.33 N/E/S yorkway 78536 Wolderway 1500 9071 4 mit ape Bldg 8 20 8500 9070 Lat 49 x 1045 N/E/s Jankway 7,8 86 Wolleway 12-107 Tot 57x 110.5 NE/s yarkway 67156 WolfLeeway 950 8500 17.17 4 muit aft Bldg \$ 8500. 2 701 Lat 57x119 NE/S yorkeney likel Wol Leeway A mitrifilly & 8500 4. 115 Tolling Mais yorkway stast Wolkerway 870 8500 1072 if unit aft Bldg & RSOO A 766 for MAXIORS NES Jorkway 516.56 Wolkerway 870 8500 64. 11 14) unit aft Bldg & 1500. Co. 767 Let 65 x146 N/E/s Jackway 45 166 Wof herway 1090 8500 1340 4 unit at Bidg \$500. 705 Set 15 x149 NE/S Jackway 38156 Wef Leway 1090 8500 1310 161 Lt 49 x 149. + N/E/s yorkway 33 756 Wof Leway 8rd 8500 1170 A mitapt Bldg \$8500. G 7/6 Lat 49 x 107 N/E/S Jackway rest Wol Leway 870 8500 907° 4 knit aft Bldg \$8500. G :111 Fot 62x147 WES yorking rolish Was Leiway 1040 8500 1110 3 137,4 unit apa Bldg \$5500, #7 t. 624138 NEB yorkway 164,56 Wof Lecenay 1040 1500 9210 I unit aft Didg : \$8500. Co # Lot 198124 N/E/S yorkway 146,3611 of Keeway 870 8500 907° A unit apt Bldg \$ 8500. (11) not 49 xx12 N/E/S Yorkuny 66,56 Wof Leeway 820 8500 1070 13 1 1 Hunt apt sty 18500 75 Ft 66.56 x 11 8.5 14/E/s yorkung N/4/cm Leerong 8500 4410 4 mit aft Blig \$8500. 116 fot 80.24/00,47 1/m/s yorkway 5/E/cor admiral Blue sum 5/E 1450 8500 9100 A 417 Set 49x100.5 5/4/5 yerking 80,2 4E of assimul Block new 5/E 850, 1010 I mit aft Blac 18500 HIX fot 49 \$100.5 SIN/S yorkway 129,2 S/E of admiral Blook new 4:

> PETITIONER'S CAUBIT 5

